

AN ACT

relating to child support enforcement and disbursement and to health care coverage for children in Title IV-D cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 102.009, Family Code, is amended by adding Subsection (e) to read as follows:

(e) In a proceeding under Chapter 233, the requirements imposed by Subsections (a) and (c) do not apply to the extent of any conflict between those requirements and the provisions in Chapter 233.

SECTION 2. Subsection (b), Section 102.011, Family Code, is amended to read as follows:

(b) The court may also exercise personal jurisdiction over a person on whom service of citation is required or over the person's personal representative, although the person is not a resident or domiciliary of this state, if:

(1) the person is personally served with citation in this state;

(2) the person submits to the jurisdiction of this state by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the child resides in this state as a result of the acts or directives of the person;

1 (4) the person resided with the child in this state;

2 (5) the person resided in this state and provided
3 prenatal expenses or support for the child;

4 (6) the person engaged in sexual intercourse in this
5 state and the child may have been conceived by that act of
6 intercourse;

7 (7) the person, ~~[registered with the paternity~~
8 ~~registry maintained by the bureau of vital statistics]~~ as provided
9 by Chapter 160:

10 (A) registered with the paternity registry
11 maintained by the bureau of vital statistics; or

12 (B) signed an acknowledgment of paternity of a
13 child born in this state; or

14 (8) there is any basis consistent with the
15 constitutions of this state and the United States for the exercise
16 of the personal jurisdiction.

17 SECTION 3. Section 110.006, Family Code, is amended to read
18 as follows:

19 Sec. 110.006. DOMESTIC RELATIONS OFFICE OPERATIONS FEES AND
20 CHILD SUPPORT SERVICE FEES. (a) If an administering entity of a
21 domestic relations office adopts an initial operations fee under
22 Section 203.005(a)(1) ~~[or an initial child support service fee~~
23 ~~under Section 203.005(a)(2)]~~, the clerk of the court shall:

24 (1) collect the operations fee at the time the
25 original suit, motion for modification, or motion for enforcement,
26 as applicable, is filed; and

27 (2) send the fee to the domestic relations office.

1 (b) If an administering entity of a domestic relations
2 office adopts an initial child support service fee under Section
3 203.005(a)(2), the clerk of the court shall:

4 (1) collect the child support service fee at the time
5 the original suit is filed; and

6 (2) send the fee to the domestic relations office.

7 (c) The fees described by Subsections (a) and (b) are not
8 filing fees for purposes of Section 110.002 or 110.003.

9 SECTION 4. Subsections (b) and (c), Section 154.062, Family
10 Code, are amended to read as follows:

11 (b) Resources include:

12 (1) 100 percent of all wage and salary income and other
13 compensation for personal services (including commissions,
14 overtime pay, tips, and bonuses);

15 (2) interest, dividends, and royalty income;

16 (3) self-employment income;

17 (4) net rental income (defined as rent after deducting
18 operating expenses and mortgage payments, but not including noncash
19 items such as depreciation); and

20 (5) all other income actually being received,
21 including severance pay, retirement benefits, pensions, trust
22 income, annuities, capital gains, social security benefits other
23 than supplemental security income, unemployment benefits,
24 disability and workers' compensation benefits, interest income
25 from notes regardless of the source, gifts and prizes, spousal
26 maintenance, and alimony.

27 (c) Resources do not include:

- 1 (1) return of principal or capital;
- 2 (2) accounts receivable; or
- 3 (3) benefits paid in accordance with federal public
- 4 assistance programs [~~aid for families with dependent children~~].

5 SECTION 5. Subsection (a-1), Section 154.125, Family Code,
6 is amended to read as follows:

7 (a-1) The dollar amount prescribed by Subsection (a) is
8 adjusted every six years as necessary to reflect inflation. The
9 Title IV-D agency shall compute the adjusted amount, to take effect
10 beginning September 1 of the year of the adjustment, based on the
11 percentage change in the consumer price index during the 72-month
12 [~~preceding six-year~~] period preceding March 1 of the year of the
13 adjustment [~~in the consumer price index~~], as rounded to the nearest
14 \$50 increment. The Title IV-D agency shall publish the adjusted
15 amount in the Texas Register before September 1 of the year in which
16 the adjustment takes effect. For purposes of this subsection,
17 "consumer price index" has the meaning assigned by Section 341.201,
18 Finance Code.

19 SECTION 6. Section 154.130, Family Code, is amended by
20 amending Subsections (a) and (b) and adding Subsection (a-1) to
21 read as follows:

22 (a) Without regard to Rules 296 through 299, Texas Rules of
23 Civil Procedure, in rendering an order of child support, the court
24 shall make the findings required by Subsection (b) if:

- 25 (1) a party files a written request with the court not
- 26 later than 10 days after the date of the hearing;
- 27 (2) a party makes an oral request in open court during

1 the hearing; or

2 (3) the amount of child support ordered by the court
3 varies from the amount computed by applying the percentage
4 guidelines under Section 154.125 or 154.129, as applicable.

5 (a-1) If findings under this section are required as a
6 result of the request by a party under Subsection (a)(1) or (2), the
7 court shall make and enter the findings not later than the 15th day
8 after the date of the party's request.

9 (b) If findings are required by this section, the court
10 shall state whether the application of the guidelines would be
11 unjust or inappropriate and shall state the following in the child
12 support order:

13 "(1) the [~~monthly~~] net resources of the obligor per
14 month are \$_____;

15 "(2) the [~~monthly~~] net resources of the obligee per
16 month are \$_____;

17 "(3) the percentage applied to the obligor's net
18 resources for child support [~~by the actual order rendered by the~~
19 ~~court~~] is _____%; and

20 "(4) [~~the amount of child support if the percentage~~
21 ~~guidelines are applied to the portion of the obligor's net~~
22 ~~resources that does not exceed the amount provided by Section~~
23 ~~154.125(a), Family Code, is \$_____;~~

24 [~~(5)~~] if applicable, the specific reasons that the
25 amount of child support per month ordered by the court varies from
26 the amount computed by applying the percentage guidelines under
27 Section 154.125 or 154.129, as applicable [~~stated in Subdivision~~

1 ~~(4) are: _____, and~~

2 ~~["(6) if applicable, the obligor is obligated to~~
3 ~~support children in more than one household, and:~~

4 ~~["(A) the number of children before the court is~~
5 ~~_____;~~

6 ~~["(B) the number of children not before the court~~
7 ~~residing in the same household with the obligor is _____; and~~

8 ~~["(C) the number of children not before the court~~
9 ~~for whom the obligor is obligated by a court order to pay support,~~
10 ~~without regard to whether the obligor is delinquent in child~~
11 ~~support payments, and who are not counted under Paragraph (A) or (B)~~
12 ~~is _____]."~~

13 SECTION 7. Subsections (b), (c), and (e), Section 154.181,
14 Family Code, are amended to read as follows:

15 (b) Before a hearing on temporary orders or a final order,
16 if no hearing on temporary orders is held, the court shall require
17 the parties to the proceedings to disclose in a pleading or other
18 statement:

19 (1) if private health insurance is in effect for the
20 child, the identity of the insurance company providing the
21 coverage, the policy number, which parent is responsible for
22 payment of any insurance premium for the coverage, whether the
23 coverage is provided through a parent's employment, and the cost of
24 the premium; or

25 (2) if private health insurance is not in effect for
26 the child, whether:

27 (A) the child is receiving medical assistance

1 under Chapter 32, Human Resources Code;

2 (B) the child is receiving health benefits
3 coverage under the state child health plan under Chapter 62, Health
4 and Safety Code, and the cost of any premium; and

5 (C) either parent has access to private health
6 insurance at reasonable cost to the obligor [~~that parent~~].

7 (c) In rendering temporary orders, the court shall, except
8 for good cause shown, order that any health insurance coverage in
9 effect for the child continue in effect pending the rendition of a
10 final order, except that the court may not require the continuation
11 of any health insurance that is not available to the parent at
12 reasonable cost to the obligor. If there is no health insurance
13 coverage in effect for the child or if the insurance in effect is
14 not available at a reasonable cost to the obligor, the court shall,
15 except for good cause shown, order health care coverage for the
16 child as provided under Section 154.182.

17 (e) In this section, "reasonable cost" means the cost of
18 health insurance coverage for a child that does not exceed nine
19 percent of the obligor's [~~responsible parent's~~] annual resources,
20 as described by Section 154.062(b), if the obligor is responsible
21 under a medical support order for the cost of health insurance
22 coverage for only one child. If the obligor is responsible under a
23 medical support order for the cost of health insurance coverage for
24 more than one child, "reasonable cost" means the total cost of
25 health insurance coverage for all children for which the obligor is
26 responsible under a medical support order that does not exceed nine
27 percent of the obligor's annual resources, as described by Section

1 154.062(b).

2 SECTION 8. Subsections (a), (b), (b-1), (b-2), and (c),
3 Section 154.182, Family Code, are amended to read as follows:

4 (a) The court shall consider the cost, accessibility, and
5 quality of health insurance coverage available to the parties and
6 shall give priority to health insurance coverage available through
7 the employment of one of the parties if the coverage is available at
8 a reasonable cost to the obligor.

9 (b) In determining the manner in which health care coverage
10 for the child is to be ordered, the court shall render its order in
11 accordance with the following priorities, unless a party shows good
12 cause why a particular order would not be in the best interest of
13 the child:

14 (1) if health insurance is available for the child
15 through a parent's employment or membership in a union, trade
16 association, or other organization at reasonable cost [~~to the~~
17 ~~parent~~], the court shall order that parent to include the child in
18 the parent's health insurance;

19 (2) if health insurance is not available for the child
20 under Subdivision (1) but is available to a parent at reasonable
21 cost from another source, including the program under Section
22 154.1826 to provide health insurance in Title IV-D cases [~~and at a~~
23 ~~reasonable cost~~], the court may order that parent to provide health
24 insurance for the child; or

25 (3) if health insurance coverage is not available for
26 the child under Subdivision (1) or (2), the court shall order the
27 obligor to pay the obligee, in addition to any amount ordered under

1 the guidelines for child support, an amount, not to exceed nine
2 percent of the obligor's annual [~~monthly~~] resources, as described
3 by Section 154.062(b), as cash medical support for the child.

4 (b-1) If the parent ordered to provide health insurance
5 under Subsection (b)(1) or (2) is the obligee, the court shall order
6 the obligor to pay the obligee, as additional child support, an
7 amount equal to the actual cost of health insurance for the child,
8 but not to exceed a reasonable cost to the obligor. In calculating
9 the actual cost of health insurance for the child, if the obligee
10 has other minor dependents covered under the same health insurance
11 plan, the court shall divide the total cost to the obligee for the
12 insurance by the total number of minor dependents, including the
13 child covered under the plan.

14 (b-2) If the court finds that neither parent has access to
15 private health insurance at a reasonable cost to the obligor, the
16 court shall order the parent awarded the exclusive right to
17 designate the child's primary residence or, to the extent permitted
18 by law, the other parent to apply immediately on behalf of the child
19 for participation in a government medical assistance program or
20 health plan. If the child participates in a government medical
21 assistance program or health plan, the court shall order cash
22 medical support under Subsection (b)(3).

23 (c) In this section:

24 (1) "Accessibility" means the extent to which health
25 insurance coverage for a child provides for the availability of
26 medical care within a reasonable traveling distance and time from
27 the child's primary residence, as determined by the court.

1 (2) "Reasonable~~[, "reasonable]~~ cost" has the meaning
2 assigned by Section 154.181(e).

3 SECTION 9. Subchapter D, Chapter 154, Family Code, is
4 amended by adding Sections 154.1826 and 154.1827 to read as
5 follows:

6 Sec. 154.1826. HEALTH CARE PROGRAM FOR CERTAIN CHILDREN IN
7 TITLE IV-D CASES. (a) In this section:

8 (1) "Health benefit plan issuer" means an insurer,
9 health maintenance organization, or other entity authorized to
10 provide health benefits coverage under the laws of this state.

11 (2) "Health care provider" means a physician or other
12 person who is licensed, certified, or otherwise authorized to
13 provide a health care service in this state.

14 (3) "Program" means the child health care program
15 developed under this section.

16 (4) "Reasonable cost" has the meaning assigned by
17 Section 154.181(e).

18 (5) "Third-party administrator" means a person who is
19 not a health benefit plan issuer or agent of a health benefit plan
20 issuer and who provides administrative services for the program,
21 including processing enrollment of eligible children in the program
22 and processing premium payments on behalf of the program.

23 (b) In consultation with the Texas Department of Insurance,
24 the Health and Human Services Commission, and representatives of
25 the insurance industry in this state, the Title IV-D agency shall
26 develop and implement a statewide program to address the health
27 care needs of children in Title IV-D cases for whom health insurance

1 is not available to either parent at reasonable cost under Section
2 154.182(b)(1) or under Section 154.182(b)(2) from a source other
3 than the program.

4 (c) The director of the Title IV-D agency may establish an
5 advisory committee to consult with the director regarding the
6 implementation and operation of the program. If the director
7 establishes an advisory committee, the director may appoint any of
8 the following persons to the advisory committee:

9 (1) representatives of appropriate public and private
10 entities, including state agencies concerned with health care
11 management;

12 (2) members of the judiciary;

13 (3) members of the legislature; and

14 (4) representatives of the insurance industry.

15 (d) The principal objective of the program is to provide
16 basic health care services, including office visits with health
17 care providers, hospitalization, and diagnostic and emergency
18 services, to eligible children in Title IV-D cases at reasonable
19 cost to the parents obligated by court order to provide medical
20 support for the children.

21 (e) The Title IV-D agency may use available private
22 resources, including gifts and grants, in administering the
23 program.

24 (f) The Title IV-D agency shall adopt rules as necessary to
25 implement the program. The Title IV-D agency shall consult with the
26 Texas Department of Insurance and the Health and Human Services
27 Commission in establishing policies and procedures for the

1 administration of the program and in determining appropriate
2 benefits to be provided under the program.

3 (g) A health benefit plan issuer that participates in the
4 program may not deny health care coverage under the program to
5 eligible children because of preexisting conditions or chronic
6 illnesses. A child who is determined to be eligible for coverage
7 under the program continues to be eligible until the termination of
8 the parent's duty to pay child support as specified by Section
9 154.006. Enrollment of a child in the program does not preclude the
10 subsequent enrollment of the child in another health care plan that
11 becomes available to the child's parent at reasonable cost,
12 including a health care plan available through the parent's
13 employment or the state child health plan under Chapter 62, Health
14 and Safety Code.

15 (h) The Title IV-D agency shall contract with an independent
16 third-party administrator to provide necessary administrative
17 services for operation of the program.

18 (i) A person acting as a third-party administrator under
19 Subsection (h) is not considered an administrator for purposes of
20 Chapter 4151, Insurance Code.

21 (j) The Title IV-D agency shall solicit applications for
22 participation in the program from health benefit plan issuers that
23 meet requirements specified by the agency. Each health benefit
24 plan issuer that participates in the program must hold a
25 certificate of authority issued by the Texas Department of
26 Insurance.

27 (k) The Title IV-D agency shall promptly notify the courts

1 of this state when the program has been implemented and is available
2 to provide for the health care needs of children described by
3 Subsection (b). The notification must specify a date beginning on
4 which children may be enrolled in the program.

5 (l) On or after the date specified in the notification
6 required by Subsection (k), a court that orders health care
7 coverage for a child in a Title IV-D case shall order that the child
8 be enrolled in the program authorized by this section unless other
9 health insurance is available for the child at reasonable cost,
10 including the state child health plan under Chapter 62, Health and
11 Safety Code.

12 (m) Payment of premium costs for the enrollment of a child
13 in the program may be enforced by the Title IV-D agency against the
14 obligor by any means available for the enforcement of a child
15 support obligation, including income withholding under Chapter
16 158.

17 (n) The program is not subject to any provision of the
18 Insurance Code or other law that requires coverage or the offer of
19 coverage of a health care service or benefit.

20 (o) Any health information obtained by the program, or by a
21 third-party administrator providing program services, that is
22 subject to the Health Insurance Portability and Accountability Act
23 of 1996 (42 U.S.C. Section 1320d et seq.) or Chapter 181, Health and
24 Safety Code, is confidential and not open to public inspection. Any
25 personally identifiable financial information or supporting
26 documentation of a parent whose child is enrolled in the program
27 that is obtained by the program, or by a third-party administrator

1 providing program services, is confidential and not open to public
2 inspection.

3 Sec. 154.1827. ADMINISTRATIVE ADJUSTMENT OF MEDICAL
4 SUPPORT ORDER. (a) In each Title IV-D case in which a medical
5 support order requires that a child be enrolled in a health care
6 program under Section 154.1826, the Title IV-D agency may
7 administratively adjust the order as necessary on an annual basis
8 to reflect changes in the amount of premium costs associated with
9 the child's enrollment.

10 (b) The Title IV-D agency shall provide notice of the
11 administrative adjustment to the obligor and the clerk of the court
12 that rendered the order.

13 SECTION 10. Subsection (c), Section 154.183, Family Code,
14 is amended to read as follows:

15 (c) As additional child support, the court shall allocate
16 between the parties, according to their circumstances:

17 (1) [r] the reasonable and necessary health care
18 expenses, including vision and dental expenses, of the [of a] child
19 that are not reimbursed by health insurance or are not otherwise
20 covered by the amount of cash medical support ordered under Section
21 154.182(b)(3); and

22 (2) amounts paid by either party as deductibles or
23 copayments in obtaining health care services for the child covered
24 under a health insurance policy.

25 SECTION 11. Subsection (c), Section 154.187, Family Code,
26 is amended to read as follows:

27 (c) An employer who has received an order or notice under

1 this subchapter shall provide to the sender, by first class mail not
2 later than the 30th day after the date the employer receives the
3 order or notice, a statement that the child:

4 (1) has been enrolled in the employer's [a] health
5 insurance plan or is already enrolled in another health insurance
6 plan in accordance with a previous child support or medical support
7 order to which the employee is subject; or

8 (2) cannot be enrolled or cannot be enrolled
9 permanently in the employer's [a] health insurance plan and provide
10 the reason why coverage or permanent coverage cannot be provided.

11 SECTION 12. Subsection (b), Section 154.191, Family Code,
12 is amended to read as follows:

13 (b) This subchapter does not limit the authority of the
14 court to render or modify a medical support order to provide
15 ~~[containing a provision]~~ for payment of uninsured health expenses,
16 health care costs, or health insurance premiums in a manner
17 consistent ~~[that are in addition to and inconsistent]~~ with this
18 subchapter.

19 SECTION 13. Subsection (b), Section 157.005, Family Code,
20 is amended to read as follows:

21 (b) The court retains jurisdiction to confirm the total
22 amount of child support arrearages and render a cumulative money
23 judgment for past-due child support, as provided by Section
24 157.263, if a motion for enforcement requesting a cumulative money
25 judgment is filed not later than the 10th anniversary after the
26 date:

27 (1) the child becomes an adult; or

1 (2) on which the child support obligation terminates
2 under the child support order or by operation of law.

3 SECTION 14. Subchapter A, Chapter 157, Family Code, is
4 amended by adding Section 157.009 to read as follows:

5 Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS.

6 In addition to any other credit or offset available to an obligor
7 under this title, if a child for whom the obligor owes child support
8 receives a lump-sum payment as a result of the obligor's disability
9 and that payment is made to the obligee as the representative payee
10 of the child, the obligor is entitled to a credit. The credit under
11 this section is equal to the amount of the lump-sum payment and
12 shall be applied to any child support arrearage and interest owed by
13 the obligor on behalf of that child at the time the payment is made.

14 SECTION 15. Section 157.162, Family Code, is amended by
15 adding Subsection (e) to read as follows:

16 (e) Notwithstanding Subsection (d), the court may award the
17 petitioner costs of court and reasonable attorney's fees in a
18 proceeding described by that subsection if the court finds that:

19 (1) on the date the motion for enforcement was filed,
20 the respondent was not current in the payment of child support as
21 ordered by the court; and

22 (2) the respondent made the child support payments
23 described by Subsection (d) after the date the respondent was
24 served notice of the motion or otherwise discovered that the motion
25 for enforcement had been filed.

26 SECTION 16. Subsection (f), Section 157.262, Family Code,
27 is amended to read as follows:

1 (f) The money judgment for arrearages rendered by the court
2 may be subject to a counterclaim or offset as provided by this title
3 ~~[subchapter]~~.

4 SECTION 17. Section 157.264, Family Code, is amended by
5 adding Subsection (c) to read as follows:

6 (c) An order rendered under Subsection (b) does not preclude
7 or limit the use of any other means for enforcement of the judgment.

8 SECTION 18. Section 157.268, Family Code, is amended to
9 read as follows:

10 Sec. 157.268. APPLICATION OF CHILD SUPPORT PAYMENT. Child
11 support collected shall be applied in the following order of
12 priority:

13 (1) current child support;

14 (2) non-delinquent child support owed;

15 (3) ~~[interest on the principal amounts specified in~~
16 ~~Subdivisions (4) and (5)];~~

17 ~~[(4)]~~ the principal amount of child support that has
18 not been confirmed and reduced to money judgment;

19 (4) ~~[(5)]~~ the principal amount of child support that
20 has been confirmed and reduced to money judgment;

21 (5) interest on the principal amounts specified in
22 Subdivisions (3) and (4); and

23 (6) the amount of any ordered attorney's fees or costs,
24 or Title IV-D service fees authorized under Section 231.103 for
25 which the obligor is responsible.

26 SECTION 19. Section 158.203, Family Code, is amended by
27 amending Subsection (b) and adding Subsection (b-1) to read as

1 follows:

2 (b) An employer with 250 or more employees shall remit a
3 payment required under this section [~~For payments made~~] by
4 electronic funds transfer or electronic data interchange[~~, the~~
5 ~~employer shall transmit the amount withheld~~] not later than the
6 second business day after the pay date.

7 (b-1) An employer with fewer than 250 employees may remit a
8 payment required under this section by electronic funds transfer or
9 electronic data interchange. A payment remitted by the employer
10 electronically must be remitted not later than the date specified
11 by Subsection (b).

12 SECTION 20. Subsections (a), (b), and (c), Section 158.215,
13 Family Code, are amended to read as follows:

14 (a) In this section, "lump-sum payment" means income in the
15 form of a bonus or [~~commission or~~] an amount paid in lieu of
16 vacation or other leave time. The term does not include an
17 employee's usual earnings or an amount paid as severance pay on
18 termination of employment.

19 (b) This section applies only to an employer who receives an
20 administrative writ of withholding in a Title IV-D case [~~that~~
21 ~~requires that an obligor's income be withheld for child support~~
22 ~~arrearses~~].

23 (c) An employer to whom this section applies may not make a
24 lump-sum payment to the obligor in the amount of \$500 or more
25 without first notifying the Title IV-D agency [~~that issued the~~
26 ~~writ~~] to determine whether all or a portion of the payment should be
27 applied to [~~the~~] child support arrearses owed by the obligor.

1 SECTION 21. Subsection (a), Section 159.611, Family Code,
2 is amended to read as follows:

3 (a) Except as provided by Section 159.615, on petition a
4 tribunal of this state may modify a child support order issued in
5 another state and registered in this state only if Section 159.613
6 does not apply and after notice and hearing the tribunal finds that:

7 (1) the following requirements are met:

8 (A) the child, the obligee who is an individual,
9 and the obligor do not reside in the issuing state;

10 (B) a petitioner who is a nonresident of this
11 state seeks modification; and

12 (C) the respondent is subject to the personal
13 jurisdiction of the tribunal of this state; or

14 (2) this state is the state of residence of the child
15 [~~and the child~~], or a party who is an individual[~~7~~] is subject to
16 the personal jurisdiction of the tribunal of this state, and all of
17 the parties who are individuals have filed consents in a record in
18 the issuing tribunal [~~consents~~] for a tribunal of this state to
19 modify the support order and assume continuing, exclusive
20 jurisdiction.

21 SECTION 22. Subsection (a), Section 160.103, Family Code,
22 is amended to read as follows:

23 (a) Except as provided by Chapter 233, this [~~This~~] chapter
24 governs every determination of parentage in this state.

25 SECTION 23. Subsection (b), Section 160.601, Family Code,
26 is amended to read as follows:

27 (b) The proceeding is governed by the Texas Rules of Civil

1 Procedure, except as provided by Chapter 233.

2 SECTION 24. Subsection (e), Section 201.009, Family Code,
3 is amended to read as follows:

4 (e) On a request for a de novo hearing, the referring court
5 may consider testimony or other evidence in the record[~~, if the~~
6 ~~record is taken by a court reporter,~~] in addition to witnesses or
7 other matters presented under Section 201.015.

8 SECTION 25. Subsection (c), Section 201.015, Family Code,
9 is amended to read as follows:

10 (c) In the de novo hearing before the referring court, the
11 parties may present witnesses on the issues specified in the
12 request for hearing. The referring court may also consider the
13 record from the hearing before the associate judge, including the
14 charge to and verdict returned by a jury[~~, if the record was taken~~
15 ~~by a court reporter~~].

16 SECTION 26. Subsection (a), Section 203.005, Family Code,
17 is amended to read as follows:

18 (a) The administering entity may authorize a domestic
19 relations office to assess and collect:

20 (1) an initial operations fee not to exceed \$15 to be
21 paid to the domestic relations office on each [~~the~~] filing of an
22 original [~~a~~] suit, motion for modification, or motion for
23 enforcement;

24 (2) in a county that has a child support enforcement
25 cooperative agreement with the Title IV-D agency, an initial child
26 support service fee not to exceed \$36 to be paid to the domestic
27 relations office on the filing of an original [~~a~~] suit;

1 (3) a reasonable application fee to be paid by an
2 applicant requesting services from the office;

3 (4) a reasonable attorney's fee and court costs
4 incurred or ordered by the court;

5 (5) a monthly service fee not to exceed \$3 to be paid
6 annually in advance by a managing conservator and possessory
7 conservator for whom the domestic relations office provides child
8 support services;

9 (6) community supervision fees as provided by Chapter
10 157 if community supervision officers are employed by the domestic
11 relations office;

12 (7) a reasonable fee for preparation of a
13 court-ordered social study;

14 (8) in a county that provides visitation services
15 under Sections 153.014 and 203.004 a reasonable fee to be paid to
16 the domestic relations office at the time the visitation services
17 are provided;

18 (9) a fee to reimburse the domestic relations office
19 for a fee required to be paid under Section 158.503(d) for filing an
20 administrative writ of withholding;

21 (10) a reasonable fee for parenting coordinator
22 services; and

23 (11) a reasonable fee for alternative dispute
24 resolution services.

25 SECTION 27. Section 231.015, Family Code, is amended to
26 read as follows:

27 Sec. 231.015. INSURANCE REPORTING [~~PILOT~~] PROGRAM. (a) In

1 consultation with the Texas Department of Insurance and
2 representatives of the insurance industry in this state, including
3 insurance trade associations, the Title IV-D agency by rule shall
4 operate [~~establish~~] a [~~pilot~~] program to improve the enforcement of
5 child support, including the use of child support liens under
6 Chapter 157. The [~~pilot~~] program shall provide for procedures,
7 including data matches, [~~develop processes~~] under which insurance
8 companies shall [~~may voluntarily~~] cooperate with the Title IV-D
9 agency in identifying obligors who owe child support arrearages or
10 who are subject to liens for child support arrearages to intercept
11 certain liability insurance settlements or awards for claims in
12 satisfaction of the arrearage amounts.

13 (b) An insurance company that provides information or
14 [~~otherwise~~] responds to a notice of child support lien or levy under
15 Subchapter G, Chapter 157, or acts in good faith to comply with
16 procedures established by the Title IV-D agency [~~in the pilot~~
17 ~~program~~] under this section is not liable for those acts under any
18 law to any person.

19 SECTION 28. Section 231.202, Family Code, is amended to
20 read as follows:

21 Sec. 231.202. AUTHORIZED COSTS AND FEES IN TITLE IV-D
22 CASES. In a Title IV-D case filed under this title, including a
23 case filed under Chapter 159, the Title IV-D agency shall pay only
24 the following costs and fees:

25 (1) filing fees and fees for issuance and service of
26 process as provided by Chapter 110 of this code and by Sections
27 51.317(b)(1), (2), and (3) and (b-1) [~~51.317~~], 51.318(b)(2), and

1 51.319(2), Government Code;

2 (2) fees for transfer as provided by Chapter 110;

3 (3) fees for the issuance and delivery of orders and
4 writs of income withholding in the amounts provided by Chapter 110;

5 (4) the fee for services provided by ~~[that]~~ sheriffs
6 and constables, including:

7 (A) a fee ~~[are]~~ authorized ~~[to charge for serving~~
8 ~~process]~~ under Section 118.131, Local Government Code, for serving
9 each item of process to each individual on whom service is required,
10 including service by certified or registered mail~~[, to be paid to a~~
11 ~~sheriff, constable, or clerk whenever service of process is~~
12 ~~required]; and~~

13 (B) a fee authorized under Section 157.103(b) for
14 serving a capias;

15 (5) the fee for filing an administrative writ of
16 withholding under Section 158.503(d); ~~[and]~~

17 (6) the fee for issuance of a subpoena as provided by
18 Section 51.318(b)(1), Government Code; and

19 (7) a fee authorized under a local rule for the
20 electronic filing of documents with a clerk.

21 SECTION 29. Subsection (a), Section 232.005, Family Code,
22 is amended to read as follows:

23 (a) A petition under this chapter must state that license
24 suspension is required under Section 232.003 and allege:

25 (1) the name and, if known, social security number of
26 the individual;

27 (2) ~~[with regard to each license, the type, and if~~

1 ~~known, number of any license the individual is believed to hold and]~~
2 the name of the licensing authority that issued a [the] license the
3 individual is believed to hold; and

4 (3) the amount of arrearages owed under the child
5 support order or the facts associated with the individual's failure
6 to comply with:

7 (A) a subpoena; or

8 (B) the terms of a court order providing for the
9 possession of or access to a child.

10 SECTION 30. Section 234.010, Family Code, is amended to
11 read as follows:

12 Sec. 234.010. DIRECT DEPOSIT AND ELECTRONIC BENEFITS
13 TRANSFER OF CHILD SUPPORT PAYMENTS. (a) The state disbursement
14 unit authorized under this chapter may make a direct deposit of
15 [transmit] a child support payment to an obligee by electronic
16 funds transfer into [if the obligee maintains] an account with a
17 financial institution maintained by the obligee. It is the
18 responsibility of the obligee to notify the state disbursement unit
19 of:

20 (1) the existence of an account;

21 (2) the appropriate routing information for direct
22 deposit by electronic funds transfer into an account; and

23 (3) any modification to account information
24 previously provided to the state disbursement unit, including
25 information that an account has been closed.

26 (b) Except as provided by Subsection (d), the state
27 disbursement unit shall deposit a child support payment by

1 electronic funds transfer into a debit card account established for
2 the obligee by the Title IV-D agency if the obligee:

3 (1) does not maintain an account with a financial
4 institution;

5 (2) fails to notify the state disbursement unit of the
6 existence of an account maintained with a financial institution; or

7 (3) closes an account maintained with a financial
8 institution previously used to accept direct deposit of a child
9 support payment without establishing a new account and notifying
10 the state disbursement unit of the new account in accordance with
11 Subsection (a) [The work group convened under this subchapter may
12 develop a plan to assist an obligee who does not have an account
13 with a financial institution to obtain an account].

14 (c) The Title IV-D agency shall:

15 (1) issue a debit card to each obligee for whom a debit
16 card account is established under Subsection (b); and

17 (2) provide the obligee with instructions for
18 activating and using the debit card [work group may determine
19 whether it is feasible and cost-effective for the state to
20 administer an electronic benefits transfer system for child support
21 obligees and may recommend implementation of such a system to the
22 Title IV-D agency].

23 (c-1) Chapter 604, Business & Commerce Code, does not apply
24 to a debit card issued under Subsection (c).

25 (d) An obligee may decline in writing to receive child
26 support payments by electronic funds transfer into an account with
27 a financial institution or a debit card account and request that

1 payments be provided by paper warrants if the obligee alleges that
2 receiving payments by electronic funds transfer would impose a
3 substantial hardship [~~After receiving any recommendations by the~~
4 ~~work group under Subsection (c), the Title IV-D agency or the vendor~~
5 ~~selected by the Title IV-D agency to operate the state disbursement~~
6 ~~unit may provide for electronic benefits transfer, if the request~~
7 ~~for proposals issued by the Title IV-D agency and any contract~~
8 ~~resulting from the selection of a vendor to provide the services~~
9 ~~specified in the request for proposals provides for electronic~~
10 ~~benefits transfer].~~

11 (e) A child support payment disbursed by the state
12 disbursement unit by electronic funds transfer into an account with
13 a financial institution maintained by the obligee or into a debit
14 card account established for the obligee under Subsection (b) is
15 solely the property of the obligee [~~The work group may recommend and~~
16 ~~the Title IV-D agency may establish procedures to implement this~~
17 ~~section.~~

18 [~~(f) The Title IV-D agency, after receiving the~~
19 ~~recommendation of the work group, may require an obligee to receive~~
20 ~~payments by direct deposit to the obligee's bank account or by~~
21 ~~electronic benefits transfer to an account established by the Title~~
22 ~~IV-D agency or the state disbursement unit if the account is~~
23 ~~established at no cost to the obligee].~~

24 SECTION 31. Section 34.001, Civil Practice and Remedies
25 Code, is amended by adding Subsection (c) to read as follows:

26 (c) This section does not apply to a judgment for child
27 support under the Family Code.

1 SECTION 32. Subsection (e), Section 501.014, Government
2 Code, is amended to read as follows:

3 (e) On notification by a court, the department shall
4 withdraw from an inmate's account any amount the inmate is ordered
5 to pay by order of the court under this subsection. On receipt of a
6 valid court order requiring an inmate to pay child support, the
7 department shall withdraw the appropriate amount from the inmate's
8 account under this subsection, regardless of whether the court
9 order is provided by the court or another person. The department
10 shall make a payment under this subsection as ordered by the court
11 to either the court or the party specified in the court order. The
12 department is not liable for withdrawing or failing to withdraw
13 money or making payments or failing to make payments under this
14 subsection. The department shall make withdrawals and payments
15 from an inmate's account under this subsection according to the
16 following schedule of priorities:

17 (1) as payment in full for all orders for child
18 support;

19 (2) as payment in full for all orders for restitution;

20 (3) as payment in full for all orders for
21 reimbursement of the Health and [~~Texas Department of~~] Human
22 Services Commission for financial assistance provided for the
23 child's health needs under Chapter 31, Human Resources Code, to a
24 child of the inmate;

25 (4) as payment in full for all orders for court fees
26 and costs;

27 (5) as payment in full for all orders for fines; and

1 (6) as payment in full for any other court order,
2 judgment, or writ.

3 SECTION 33. Section 12.0011, Property Code, is amended by
4 adding Subsection (d) to read as follows:

5 (d) This section does not apply to a child support lien
6 notice issued by the Title IV-D agency under Chapter 157, Family
7 Code. For purposes of this subsection, "Title IV-D agency" has the
8 meaning assigned by Section 101.033, Family Code.

9 SECTION 34. Section 72.101, Property Code, is amended by
10 adding Subsection (e) to read as follows:

11 (e) This section does not apply to money collected as child
12 support that:

13 (1) is being held for disbursement by the state
14 disbursement unit under Chapter 234, Family Code, or a local
15 registry, as defined by Section 101.018, Family Code, pending
16 identification and location of the person to whom the money is owed;
17 or

18 (2) has been disbursed by the state disbursement unit
19 under Chapter 234, Family Code, by electronic funds transfer into a
20 child support debit card account established for an individual
21 under Section 234.010, Family Code, but not activated by the
22 individual.

23 SECTION 35. Subdivision (1), Subsection (a), Section
24 73.001, Property Code, is amended to read as follows:

25 (1) "Account" means funds deposited with a depository
26 in an interest-bearing account, a checking or savings account, or a
27 child support debit card account established under Section 234.010,

1 Family Code, or funds received by a depository in exchange for the
2 purchase of a stored value card.

3 SECTION 36. Subsection (c), Section 601.454,
4 Transportation Code, is amended to read as follows:

5 (c) Information obtained under this subchapter is
6 confidential. The agent:

7 (1) may use the information only for a purpose
8 authorized under this subchapter;

9 (2) ~~and~~ may not use the information for a commercial
10 purpose; and

11 (3) on request, and subject to appropriate safeguards
12 to protect the privacy of motor vehicle owners developed by the
13 implementing agencies and the attorney general, may provide the
14 information to the attorney general for the purpose of enforcing
15 child support obligations.

16 SECTION 37. Subsection (c), Section 154.130, Subsection
17 (d), Section 154.182, and Section 234.011, Family Code, are
18 repealed.

19 SECTION 38. Section 102.009, Family Code, as amended by
20 this Act, applies to a proceeding under Chapter 233, Family Code,
21 that is pending before the Title IV-D agency or initiated by the
22 Title IV-D agency on or after the effective date of that provision.

23 SECTION 39. Section 102.011, Family Code, as amended by
24 this Act, applies only to an acknowledgment of paternity signed on
25 or after the effective date of that provision.

26 SECTION 40. Sections 154.062 and 154.130, Family Code, as
27 amended by this Act, apply only to a suit affecting the parent-child

1 relationship that is commenced on or after the effective date of
2 those provisions. A suit affecting the parent-child relationship
3 commenced before the effective date of those provisions is governed
4 by the law in effect on the date the suit was commenced, and the
5 former law is continued in effect for that purpose.

6 SECTION 41. Sections 154.181, 154.182, 154.183, and
7 154.191, Family Code, as amended by this Act, apply to a suit
8 affecting the parent-child relationship pending in a trial court on
9 or filed on or after the effective date of those provisions.

10 SECTION 42. Section 154.187, Family Code, as amended by
11 this Act, applies to an order or notice received by an employer on
12 or after the effective date of that provision. An order or notice
13 received by an employer before the effective date of that provision
14 is governed by the law in effect on the date the order or notice was
15 received, and the former law is continued in effect for that
16 purpose.

17 SECTION 43. Section 157.009, Family Code, as added by this
18 Act, applies only to a money judgment for child support arrearages
19 that is rendered on or after the effective date of that provision.
20 A money judgment for child support arrearages rendered before the
21 effective date of that provision is governed by the law in effect on
22 the date that the judgment was rendered, and the former law is
23 continued in effect for that purpose.

24 SECTION 44. The change in law made by Subsection (e),
25 Section 157.162, Family Code, as added by this Act, applies only to
26 a motion for enforcement that is filed on or after the effective
27 date of this Act. A motion for enforcement filed before the

1 effective date of this Act is governed by the law in effect
2 immediately before that date, and the former law is continued in
3 effect for that purpose.

4 SECTION 45. Section 157.268, Family Code, as amended by
5 this Act, applies only to child support collected on or after
6 January 1, 2010.

7 SECTION 46. Section 158.203, Family Code, as amended by
8 this Act, applies to child support payments withheld by an employer
9 on or after September 1, 2009.

10 SECTION 47. Sections 201.009 and 201.015, Family Code, as
11 amended by this Act, apply only to a hearing before an associate
12 judge that is commenced on or after the effective date of those
13 provisions. A hearing before an associate judge that commenced
14 before the effective date of those provisions is governed by the law
15 in effect on the date the hearing commenced, and the former law is
16 continued in effect for that purpose.

17 SECTION 48. The changes in law made by this Act to Section
18 231.202, Family Code, by the amendment of Subdivision (4) and the
19 enactment of Subdivision (7) of that section apply to a suit
20 affecting the parent-child relationship pending in a trial court on
21 or filed on or after September 1, 2009.

22 SECTION 49. Section 232.005, Family Code, as amended by
23 this Act, applies only to a petition filed on or after the effective
24 date of that provision. A petition filed before the effective date
25 of that provision is governed by the law in effect on the date the
26 petition was filed, and the former law is continued in effect for
27 that purpose.

1 SECTION 50. Section 34.001, Civil Practice and Remedies
2 Code, as amended by this Act, applies to each judgment for child
3 support under the Family Code, regardless of the date on which the
4 judgment was rendered.

5 SECTION 51. (a) Except as provided by Subsections (b) and
6 (c) of this section:

7 (1) this Act takes effect immediately if it receives a
8 vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution; and

10 (2) if this Act does not receive the vote necessary for
11 immediate effect, this Act takes effect September 1, 2009.

12 (b) The change in law made by this Act to Section 157.268,
13 Family Code, takes effect January 1, 2010.

14 (c) The changes in law made by this Act to Subsection (b),
15 Section 154.182, and Sections 158.203 and 231.202, Family Code,
16 take effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 865 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 28, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 865 passed the House, with amendments, on May 21, 2009, by the following vote: Yeas 138, Nays 0, four present not voting.

Chief Clerk of the House

Approved:

Date

Governor